

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JUAN TEJADA,

Plaintiff,

v.

9:07-CV-0830

MR. MANCE, Superintendent, Marcy C.F.;
SOUZA, Correctional Officer, Marcy C.F.; and
ZURAWSKI, Correctional Officer, Marcy C.F.;

Defendants.

APPEARANCES:

OF COUNSEL:

JUAN TEJADA, 06-A-2950
Fishkill Correctional Facility
P.O. Box 1245
Beacon, NY 12508
Plaintiff, *Pro Se*

HON. ANDREW M. CUOMO
Attorney General for the State of New York
The Capital
New York, NY 12224
Counsel for Defendants

ROGER W. KINSEY, ESQ.

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 12th day of September 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was returned to the Court as undeliverable to plaintiff at such address. *See* Dkt. No. 18.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such office apprised of his current address would result in the dismissal of the instant action. *See* Dkt. No. 6, at page 3.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The defendants' motion to dismiss for failure to state a claim (Dkt. No. 12) is granted, and plaintiff's complaint is dismissed in its entirety.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 22, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge